

**Additional Proposed Legislation for the
May 11, 2010 City Council Meeting -
Filed in the Office of the City Clerk
May 7 Through May 11**



City of Rochester

City Hall Room 307A, 30 Church Street
Rochester, New York 14614-1290
www.cityofrochester.gov



Robert J. Duffy
Mayor

INTRODUCTORY NO.

198

May 7, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Statement of Necessity

I am submitting this Statement of Necessity so that action may be taken at the May 11, 2010 meeting of the City Council on the attached legislation regarding the construction of a transit center on Mortimer Street. Action on this resolution this month will allow RGRTA to pursue federal funding for the project.

Respectfully submitted,

Robert J. Duffy
Mayor

Approved for Submission

City Council President

2010 MAY 10 AM 9:13





City of Rochester

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www.cityofrochester.gov

INTRODUCTORY NO.



Robert J. Duffy
Mayor

198

May 10, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Resolution in Support of a Transit Center

Transmitted herewith for your approval is a resolution in support of the construction of a Transit Center by the Rochester Genesee Regional Transportation Authority (RGRTA). The resolution supports the construction of the facility on Mortimer Street and the other actions necessary for this to occur.

For many years, the City has had the goal of ending the use of Main Street between St. Paul Street and Clinton Avenue and the adjacent areas of St. Paul and Clinton as a bus transfer station. Buses are now lined up on Main for extended periods of time blocking access to the street and the sidewalk. This discourages private development of the adjacent property and pedestrian traffic. Efforts to solicit private development of the block have not been successful without a plan to solve the bus traffic. Portions of the block are now the most blighted area in central downtown.

With the current and anticipated future configuration of downtown, citizens transferring buses, most of whom are City residents, must wait outside in inclement weather and have little access to basic services. Most cities of our size provide a facility to address these needs.

The objectives of the Transit Center are to:

- Remove the bus transfer activity from Main Street to support future private development in the area including on-street parking and pedestrian traffic
- Create a climate controlled enclosed platform for bus customers where they can easily and safely transfer buses and utilize amenities, such as restrooms, arrival information, and ticketing.

With the demise of the Renaissance Square Project, the Administration engaged in extensive discussions with RGRTA to meet these objectives in a manner that accommodated the City's plans for downtown and the operational and financial constraints of RGRTA. This process has resulted in significant changes to the design of the Center; details of the revised project have been presented to Council and the public at meetings on April 27 and May 5, 2010.

RGRTA has access to \$52 million remaining in the funding for this project, principally through the Federal Transportation Agency (FTA). Some of the original funding has already expired and more will be lost unless the project is at 70% design and approved by FTA this fall. If that deadline is missed, this project will not proceed. To start over would result in delay of several years and an uncertain outcome while our citizens remain without shelter and this area of downtown continues to deteriorate.

As set forth in the resolution, the Administration will submit the necessary legislation to modify and partially abandon Mortimer Street. In addition, there will be further opportunities for Council and public input as the design progresses and the related issues are addressed.

Respectfully submitted,

Robert J. Duffy
Mayor



Resolution No.

Resolution In Support Of A Transit Center

BE IT RESOLVED, by the Council of the City of Rochester as follows:

Section 1. The City Council hereby supports the construction by the Rochester-Genesee Regional Transit Authority ("RGRTA") of a Transit Center at the Mortimer Street site as presented at the Council Public Hearing on April 27, 2010. The Council understands that the design is not complete and will require approval by the Federal Transportation Authority ("FTA") at the 70% and 100% stage of design completion. Prior to these submissions to FTA, the City's review and comment on the design will be solicited and accommodated to the extent that it is consistent with the April 27th concept, and as operational and financial constraints permit. This review and comment process will include opportunities for public input jointly sponsored by the City and RGRTA.

Section 2. The Council hereby consents to the acquisition by condemnation or purchase of the following parcels by RGRTA:

106.79-1-60	58 St. Paul Street
106.79-1-59	62 St. Paul Street
106.79-1-56	58 Mortimer Street
106.79-1-49	65-71 North Clinton Avenue

Section 3. The Council hereby authorizes the Mayor to take such actions as are necessary for submission to Council at its June meeting of legislation to change the direction, modify or abandon the Mortimer Street right-of-way to accommodate the Transit Center.

Section 4. The Council hereby authorizes the Mayor to take such other actions, subject to the necessary approvals, as are consistent with this resolution and necessary to support the approval of FTA funding of the Transit Center construction.

Section 5. The Council hereby authorizes the Mayor to enter into negotiations with RGRTA, subject to the necessary approvals, with respect to the use and ownership of the City owned property adjacent to the Mortimer Street Garage, to include its possible use to support RGRTA operations, parking to address the needs of surrounding property owners and a Rochester Police Department facility.

Section 6. The Council hereby authorizes the Mayor to enter into negotiations with RGRTA, subject to the necessary approvals, to determine the security assistance to be provided at the Transit Center by the Rochester Police Department.

Section 7. This resolution shall take effect immediately.



City of Rochester

INTRODUCTORY NO.

199

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Lovely A. Warren, Esq.
Council President
Councilmember
Northeast District

93 Woodman Park
Rochester, New York 14609-3841
(585) 563-6215

May 10, 2010

TO THE COUNCIL:

Ladies and Gentlemen:

Re: Statement of Necessity

I am submitting this Statement of Necessity so that action may be taken at the May 11, 2010 meeting of the City Council on the attached legislation regarding a moratorium on points system enforcement at bars and nightclubs pursuant to Section 3-15 of the City Charter.

Respectfully Submitted,

Lovely A. Warren
President, City Council





City Hall, Room 301-A
30 Church Street
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Adam C. McFadden
Councilmember
South District

May 10, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Moratorium on Enforcement of
Section 3-15 of the City Charter

Transmitted herewith for your approval is legislation providing for a six-month moratorium on the issuance of nuisance points for bars and nightclubs under Section 3-15, Abatement of Nuisances, of the City Charter.

In 1996, Section 3-15 was amended to add the penalty point system and administrative hearing procedure for nuisance violations, replacing the then-current procedure that required two or more criminal convictions within 18 months for a property to be classified as a public nuisance. Today, Section 3-15 assigns points to property for illegal activities taking place at the property or immediately adjacent to the property as a result of its use. Under a tiered point system, an accumulation of 12 or more points over six months, or 18 or more points over 12 months, enables the classification of a property as a public nuisance and triggers a number of enforcement procedures aimed at shutting down business operations at the site.

For at least a half-dozen years, persistent rumors and the perception of certain bar and nightclub owners and patrons have been that Section 3-15 is unevenly enforced, such that establishments frequented by low-income, youthful, and/or minority people are disproportionately impacted by the issuance of nuisance points. This problem, real or perceived, has persisted over the course of two different Administrations and has never been adequately addressed.

The six-month moratorium will alleviate this possible inequity while a non-partisan commission comprised of City Council representatives, City staff, neighborhood representatives and bar and nightclub owners investigates the Police Department's enforcement of Section 3-15 for bars and nightclubs. The commission shall be tasked with analyzing data and reviewing administrative procedures to ascertain if inequitable enforcement has occurred and to make recommendations to ameliorate the problem.

Respectfully submitted,

Adam C. McFadden
Chair, Public Safety and Youth Services Committee

Resolution No.

Resolution Establishing A Moratorium On
Point System Enforcement At Bars/Nightclubs

WHEREAS, issues have been raised relative to the City's assignment of nuisance points pursuant to Section 3-15 of the City Charter for bars and nightclubs in the City of Rochester and the manner in which such nuisance point system has been implemented and applied; and

WHEREAS, several members of Rochester City Council, in particular the Public Safety, Youth and Recreation Committee, believe that sufficient concern has been raised to call for a brief moratorium on the assignment of nuisance points for premises constituting bars/nightclubs in the City to allow for further investigation into this issue.

NOW, THEREFORE, BE IT RESOLVED, that the City Council enacts a moratorium for a period of six (6) months on the assignment of nuisance points pursuant to Section 3-15 of the City Charter for premises constituting bars/nightclubs. During this period of time, a non-partisan committee (to be made up of City Council representatives, City staff, neighborhood representatives and bar/nightclub owners) shall study the administration of the nuisance point system and submit its recommendations to the City Council to correct any inequities that are found in the administration of the point system and in particular to make recommendations to eliminate the risk that innocent owners may be penalized, and to ensure that nuisance point cases are administered fairly regardless of the owner or location of the venue.

This resolution shall take effect immediately and shall remain in effect for a period of six months.



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INTRODUCTORY NO.

200, 201



Robert J. Duffy
Mayor

May 10, 2010

TO THE COUNCIL:

Ladies and Gentlemen:

Re: Statement of Necessity

I am submitting this Statement of Necessity so that action may be taken at the Tuesday, May 11, 2010 meeting of the City Council on the attached legislation regarding tax apportionment assessment classes required for calculating tax bills for 2010-11.

The calculations for the tax apportionment are required by New York State law. This legislation annually requires a statement of necessity due to the timing of the City's final taxable status date and the necessity to have the New York State Office of Real Property Tax Services review and verify the calculations prior to City Council action.

Respectfully submitted

Robert J. Duffy
Mayor

Approved for Submission

City Council President

2010 MAY 11 10:11





City of Rochester

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INTRODUCTORY NO.

200, 201



Robert J. Duffy
Mayor

30

May 10, 2010

TO THE COUNCIL

Ladies and Gentlemen:

Re: Tax Apportionment Assessment Classes

Transmitted herewith for your approval is legislation certifying certain calculations relating to the apportionment of property taxes between the homestead and non-homestead assessment classifications. Such certification is required by Article 19 of the New York State Real Property Tax Law.

The certification involves determination of the "base proportion." In general, the base proportion for each class represents the share of the property tax levy to be allocated to that class. This determination process involves two computations. The first is the calculation of the current base proportions using 1989 and 2009 data. The second is the calculation of the adjusted base proportions using 2009 and 2010 data. Both calculations are attached.

The current base proportions, as calculated by the formula specified by Article 19, are as follows:

Homestead	.4201223
Non-Homestead	<u>.5798777</u>
Total	1.0000000

In comparison, the new adjusted base proportions are as follows:

Homestead	.4158845
Non-Homestead	<u>.5841155</u>
Total	1.0000000

The new proportions result in the following shifts in the share of the tax levy allocated in each class:

Homestead:	-1.0
Non-Homestead:	+0.7

These calculations have been reviewed by the New York State Office of Real Property Services.

The actual tax burden is also determined by the tax levy and final assessment changes. These figures will be detailed in the proposed budget to be released on May 14, 2010.

Respectfully submitted,

Robert J. Duffy
Mayor



INTRODUCTORY NO. 200

Ordinance No.

Determining and Certifying Base Proportions,
Current Percentages, And Base Percentages
For The 2010 Assessment Roll

BE IT ORDAINED, by the Council of the City of Rochester, as follows:

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the current base proportions, current percentages, and base percentages for the City's 2010 assessment roll as follows:

	Homestead Class	Non-Homestead Class
Current base proportions	42.01223%	57.98777%
Current percentage	60.44670%	39.55330%
Base percentage	52.03550%	47.96450%

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Equalization and Assessment.

Section 3. This ordinance shall take effect immediately.

INTRODUCTORY NO. 201

Ordinance No.

Determining And Certifying Adjusted Base Proportions,
Assessed Value, And Net Changes In Assessed Value
For The 2010 Assessment Roll

BE IT ORDAINED, by the Council of the City of Rochester, as follows:

Section 1. Under Section 1903 of the Real Property Tax Law, the Council determines the adjusted base proportions, assessed value, and net change in assessed value for the City's 2010 assessment roll as follows:

	Homestead Class	Non-Homestead Class
Adjusted base proportion	.4158845	.5841155
Taxable assessed value	3,456,514,733	2,264,145,144
Net change in assessed value from 2009 resulting from physical and quantity changes	+3,425,000	+10,915,700
Net change in assessed value from 2009 resulting from other than physical and quantity changes	-6,451,750	-18,944,800

Section 2. The City Clerk is hereby directed to certify the figures set forth above to the State Board of Real Property Services.

Section 3. This ordinance shall take effect immediately.